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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

2016 OCT -4 A 11: 09

Arizona Corporation Commission
DOCKETED

OCT 04 2016

DARCY PFEIFER,

Complainant,

vs.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

DOCKET NO. E-01345A-16-0041

DOCKETED BY

PROCEDURAL ORDER
(Sets Procedural Conference)

BY THE COMMISSION:

On February 2, 2016, Darcy Pfeifer (“Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint (“Complaint”) against Arizona Public Service Company (“APS”), requesting that APS: (1) conduct an audit of the Complainant’s energy usage from June 11, 2011 to January 5, 2016; (2) refund any overpaid amount discovered as a result of the audit; and (3) reimburse Complainant for damage done to Complainant’s equipment by APS technicians.

On February 29, 2016, APS filed an Answer to Formal Complaint and Motion to Dismiss (“MTD”).

On March 18, 2016, by Procedural Order, a procedural conference was scheduled to commence on May 2, 2016, and Complainant was directed to file a response to APS’s MTD by April 15, 2016.

On March 30, 2016, APS filed a Consent to Email Service.

On April 1, 2016, a Procedural Order was issued granting APS’s consent to email service.

On April 21, 2016, by Procedural Order, the Complainant was directed to file a response to APS’s MTD by April 29, 2016, after failing to meet the original filing deadline of April 15, 2016.

On April 28, 2016, Complainant filed a request for an extension of time to respond to APS’s MTD and to move the procedural conference to a later date, stating, among other things, that: (1)

1 Complainant needed additional time to consult with an attorney to file a response to the MTD; and (2)
2 Complainant had appointments related to health issues scheduled for the same day as the procedural
3 conference.

4 On April 29, 2016, a Procedural Order was issued granting Complainant's request for an
5 extension of time until June 16, 2016, to respond to APS's MTD, and vacating the procedural
6 conference scheduled for May 2, 2016.

7 On June 13, 2016, Complainant filed a second motion for an extension of time ("Motion"),
8 reiterating Complainant has ongoing health issues and that Complainant needed to obtain legal counsel
9 to file a response to APS's MTD.

10 On June 14, 2016, a Procedural Order was issued granting Complainant's request for an
11 extension of time until August 15, 2016, to respond to APS's MTD.

12 On August 15, 2016, Complainant filed a response to APS's MTD.

13 On September 2, 2016, a Procedural Order was issued scheduling a procedural conference for
14 October 4, 2016.

15 On October 3, 2016, Staff filed a Request for an Extension of Time on Complainant's behalf
16 stating that Complainant was unable to attend the October 4, 2016 procedural conference and requested
17 that it be rescheduled to a later date.

18 Because Complainant has requested an extension of time on three separate occasions on short
19 notice, it is appropriate to schedule a telephonic procedural conference to determine whether
20 Complainant desires to proceed with her Complaint.

21 IT IS THEREFORE ORDERED that **the procedural conference scheduled to be held on**
22 **October 4, 2016 is hereby vacated.**

23 IT IS FURTHER ORDERED that **a telephonic procedural conference in this matter shall**
24 **be held on October 25, 2016, at 10:00 a.m., or as soon thereafter as is practical. The telephone**
25 **number to participate is 1-800-689-9374, Passcode 415962#.** The parties may also attend in person
26 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona
27 85007.

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1 IT IS FURTHER ORDERED that **Staff is directed to appear, telephonically or in person,**
2 for the procedural conference on October 25, 2016, at 10:00 a.m.

3 IT IS FURTHER ORDERED that **the purpose of the telephonic procedural conference will**
4 **be to discuss whether Complainant wishes to pursue her Complaint and, if so, to discuss**
5 **scheduling. No other matters shall be considered during this procedural conference.**

6 IT IS FURTHER ORDERED that if Complainant no longer wishes to pursue her Complaint,
7 **she may file a Motion to Withdraw Complaint no later than October 18, 2016, as an alternative**
8 **to attending the telephonic procedural conference.**

9 IT IS FURTHER ORDERED that if Complainant fails to comply with the above Ordering
10 Paragraphs, or with any subsequent Orders of the Commission, **such failure may ultimately result in**
11 **administrative closure of this docket.**

12 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
13 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
16 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
17 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
18 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
19 Law Judge or Commission.

20 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
21 **Order Regarding Consent to Email Service** issued in this matter on **March 18, 2016**, for additional
22 information regarding the process to consent to service by email. Information regarding Consent to
23 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
24 Service Consent."

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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 4th day of October, 2016.
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SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE
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On this 4th day of October, 2016, the foregoing document was filed with Docket Control as a Procedural Order – Sets Procedural Schedule/Conference, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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Consent to Service by Email

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Consented to Service by Email

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